

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

YVES MICHEL VICTOR,  
Petitioner

V.

No. 02-CV-04100

KENNETH J. ELWOOD,  
DISTRICT DIRECTOR,  
INS,

Respondent

ORDER

AND NOW on this \_\_\_\_\_ day of \_\_\_\_\_, 2003, upon consideration of the Government's Supplemental Response to Petition for Writ of Habeas Corpus, and petitioner's response thereto, if any, it is hereby ORDERED that the Petition is dismissed with prejudice.

BY THE COURT:

MICHAEL M. BAYLSON  
*Judge, United States District Court*

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

YVES MICHEL VICTOR,	:	
Petitioner	:	
	:	
v.	:	No. 02-CV-04100
	:	
	:	
KENNETH J. ELWOOD,	:	
DISTRICT DIRECTOR, INS	:	
	:	
Respondent	:	

GOVERNMENT’S SUPPLEMENTAL RESPONSE TO  
PETITION FOR WRIT OF HABEAS CORPUS

The United States of America, by its attorneys, Patrick L. Meehan, United States Attorney for the Eastern District of Pennsylvania, and Susan R. Becker, Assistant United States Attorney for the District, on behalf of respondent, the District Director of the Immigration and Naturalization Service<sup>1</sup>, hereby files this supplemental response to Yves Michel Victor’s Petition for Writ of Habeas Corpus. The background facts relating to this case are set forth in the government’s original August 12, 2002 response to the habeas petition, which is incorporated herein by reference.

The above-captioned case was recently transferred to undersigned counsel due the departure from the United States Attorney’s office of AUSA Steven J. Britt. Upon consulting

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<sup>1</sup>The Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135 (effective March 1, 2003) abolished the Immigration and Naturalization Service (“INS”). Most of the functions of the former INS were subsequently transferred to the Department of Homeland Security (“DHS”). Within the DHS, the Bureau of Immigration and Customs Enforcement (“BICE”) is responsible for initiating removal proceedings.

with Kent J. Frederick, Esquire, Chief Counsel for the Bureau of Immigration and Customs Enforcement, Philadelphia Region, about the status of this case, I have been advised that Mr. Victor was removed from the United States to his native country of Haiti on August 8, 2002. The printout attached at Exhibit 1, known as a DACS report, reflects Mr. Victor's removal.

As Mr. Victor had withdrawn his request to be admitted to the United States, and he is no longer in the Government's custody, his Petition for Writ of Habeas Corpus should be dismissed as moot.

For the foregoing reasons, the petition should be dismissed with prejudice.

Respectfully,

PATRICK L. MEEHAN  
United States Attorney

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VIRGINIA A. GIBSON  
Assistant United States Attorney  
Chief, Civil Division

Dated: October 15, 2003

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SUSAN R. BECKER  
Assistant United States Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on the 15th day of October, 2003, I caused a true and correct copy of the foregoing Government's Supplemental Response to Petition for Writ of Habeas Corpus, the original of which has been electronically filed with the Court, to be served by first-class United States mail, postage prepaid, upon the following:

Mr. Yves Michel Victor  
c/o Honorable Roger Noriega  
Ambassador, United States Embassy  
5 Harry S. Truman Boulevard, Port-au-Prince  
P. O. Box 1761, Port-au-Prince, Haiti

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Susan R. Becker  
Assistant United States Attorney